

REMARKS

Claim 39 is amended. Claims 27, 33 and 36-43 are pending in the application.

Applicant acknowledges the Examiner's indicated allowability of the subject matter of claims 27, 33 and 36-38.

Claims 39-43 stand rejected under 35 U.S.C. § 102(b) as being anticipated by applicant's admitted prior art. The Examiner is reminded by direction to MPEP § 2131 that anticipation requires each and every element of a claim to be disclosed in a single prior art reference. Claims 39-43 are allowable over applicant's admitted prior art for at least the reason that such does not disclose each and every element in any of those claims.

As amended, independent claim 39 recites an antireflective material on and in direct physical contact with a metal comprising layer, the antireflective material comprising carbon, nitrogen, silicon, oxygen and hydrogen. The amendment to claim 39 is for clarification purposes only and is not intended to limit the scope of the claims. Referring to applicant's background of the invention section of the disclosure and Figs. 1-3 which discuss prior art, an antireflective layer 26 is shown and discussed as being separated from metal silicide layer 20 by intervening layers of oxide 22 and nitride 24. Accordingly, the prior art discussed in the background section does not disclose the claim 39 recited antireflective material on and in direct physical contact with a metal comprising layer. Independent claim 39 is therefore not anticipated by applicant's admitted prior art.

Claims 40-43 are allowable over applicant's admitted prior art for at least the reason that they depend from allowable base claim 39.

For the reasons discussed above pending claims 27, 33 and 36-43 are allowable. Accordingly, applicant respectfully requests formal allowance of such pending claims in the Examiner's next action.

Respectfully submitted,

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